

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

## MOTION INFORMATION STATEMENT

U.S. DISTRICT COURT  
FILED

AUG 27 2008

S.D. OF N.Y.

Caption [use short title]

Docket Number(s): 08-1045-cr

United States v. Victor Arvelo

Motion for: Limited Remand

Set forth below precise, complete statement of relief sought:

The Government moves for limited remand for consideration of whether to accept

defendant's guilty plea and for resentencing

AUG 14 2008

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC #: 5

DATE FILED: 8/27/08

MOVING PARTY:

☐ Plaintiff ☐ Defendant  
☐ Appellant/Petitioner ☒ Appellee/Respondent

OPPOSING PARTY: Victor Arvelo

MOVING ATTORNEY: Michael J. Garcia

[name of attorney, with firm, address, phone number and e-mail]  
United States Attorney

By: AUSA David A. O'Neil

Tel: (212) 637-2533

E-mail: David.O'Neil@usdoj.gov

OPPOSING ATTORNEY [Name]: David A. Lewis, Esq.

[name of attorney, with firm, address, phone number and e-mail]

Federal Defender of New York, Inc.

52 Duane Street

10th Floor

New York, New York 10007

Court-Judge/Agency appealed from: United States District Court, S.D.N.Y. (Hon. Denny Chin; U.S.D.J.)

Please check appropriate boxes:

Has consent of opposing counsel:

A. been sought? ☒ Yes ☐ No  
 B. been obtained? ☒ Yes ☐ No

Is oral argument requested? ☐ Yes ☒ No  
 (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☒ No  
 If yes, enter date \_\_\_\_\_

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:Has request for relief been made below? ☐ Yes ☐ NoHas this relief been previously sought  
in \_\_\_\_\_

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by: Victor Arvelo Sule

Deputy Clerk

Signature of Moving Attorney:

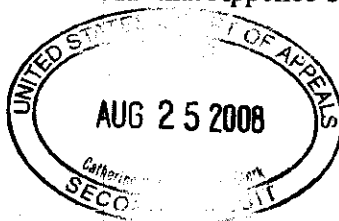
Date: 8/12/2008

Has service been effected? ☐ Yes ☐ No  
 [Attach proof of service]

## ORDER

Before: Hon. Barrington D. Parker, Circuit Judge

IT IS HEREBY ORDERED that Appellee's motion for limited remand (on consent) is GRANTED.

8/25/08  
Date

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

by

Joy Fallick, Administrative Attorney

Certified Copy:

August 25, 2008